

REMARKS

Claims 1-23 were pending in the application. Claims 1, 9, 10, 16, 18, and 20 have been amended. Accordingly, claims 1-23 remain pending subsequent entry of the present amendment.

In the Final Office Action dated April 6, 2006, claims 1-2, 10, 16 and 20-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Turner (US 2002/0059608 A1, hereinafter "Turner"). In addition, claims 3, 6-7, 11, 14, 17-18, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner (US 2002/0059608 A1) in further view of Dunn (U.S. Patent 6,668,377 B1, hereinafter "Dunn"). Applicant traversed these rejections in the Response dated June 6, 2006. The examiner maintained the rejections in the Advisory Action of July 3, 2006. While Applicant maintains traversal of the above rejections, Applicant has nevertheless amended the claims to further clarify the nature of the presently claimed invention.

In the previous Office Action, the examiner equated a program with the recited module, and a channel with the recited module number. In the present amendment, claim 1 has been amended to separately and distinctly recite both modules and programs. For example, claim 1 has been amended to recite:

"broadcasting a plurality of modules in a broadcast carousel from a server to a plurality of client devices on a single channel, the plurality of modules in the broadcast carousel corresponding to a plurality of programs, each of said plurality of modules in the broadcast carousel having a unique module number, wherein said plurality of modules are not broadcast responsive to a client request;

...

retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number"

As seen from the above, a distinction is made between programs and modules. Further, the claim recites broadcasting the plurality of modules in a broadcast carousel on a single channel. In addition, it is noted that each module in the broadcast carousel has a

unique module number. Further, the claim recites retrieving the first module from the same (single) channel. In view of these amendments, Applicant believes it is clear the recited module is not equivalent to a program, and the recited module number is not equivalent to a channel.

For at least these reasons, Applicant submits that claim 1 is patentably distinguished from the cited art, taken either singly or in combination. In addition, as each of independent claims 10, 16, 18 and 20 include similar features, each of these claims is believed patentably distinguished for similar reasons. Further, as each of the dependent claims includes at least the features of the claims upon which they depend, each of dependent claims are believed patentable for at least the reasons given above as well.

Should the examiner still believe there is reason to prevent the present application from proceeding to allowance, the below signed representative would greatly appreciate a telephone call at (512) 853-8866 in order to facilitate a more rapid resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08801/RDR.

Respectfully submitted,



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